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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,528	01/02/2002	Tony Maynard	16600.105001	6033
20786	7590	12/01/2005		
KING & SPALDING LLP 191 PEACHTREE STREET, N.E. 45TH FLOOR ATLANTA, GA 30303-1763			EXAMINER TRUONG, LAN DAI T	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/038,528	MAYNARD ET AL.	
	Examiner	Art Unit	
	lan dai thi trung	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/03/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**1) Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by
Chandrasekaran et al. (U.S. 6,397,352), “Chandrasekaran”, herein after.**

Regarding to claim 1:

Chandrasekaran discloses a system, which can be implemented in a computer hardware or software code for transmitting and receiving messages between a host computer system application and a distributed computer system application, the message processing system, comprising:

A distributed message transmission application associated with the distributed computer system application operative to process a message generated by the distributed computer system application, and to transmit the message to the host computer system application over the communication network: (Chandrasekaran discloses a message is inserted into a propagation queue that resides at a “source site” which is equivalent to “distributed computer system.” The message propagates from the source site to “a destination site” which is equivalent to “host computer system”: column 6, lines 62-67; column 7, lines 1-50)

A host system message transmission application associated with a host application and operative to process a message received from the distributed message transmission application: (Chandrasekaran discloses the destination site receives messages from the source site: column 7, lines 39-50; column 9, lines 18-26)

A distributed computer program interface functionally connected to the distributed computer system application and to the distributed message transmission application and operative to configure the message for transmission over a communication network: (Chandrasekaran discloses a network interface which is included in “a computer system” is equivalent to “a distributed computer system”: column 17, lines 15-17; figure 7, item 718)

2) Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Navarre et al. (U.S. 6,205,482), “Navarre”, herein after.

Regarding to claim 17:

Navarre discloses a system, which can be implemented in a computer hardware or software code for processing a message between a first application running on a first network element and a second application running on a second network element of a communication network, the method comprising the steps of:

Generating the message in the first network element; configuring the message for transmission over the communication network; transmitting the message over the communication network; and delivering the message to the second network element: (Navarre discloses “a client application” which is equivalent to “a first network element” transmits “data access transactions” which is equivalent to “generated message” to “server application” which is equivalent to “second network element”: abstract, lines 1-15)

Wherein the step of configuring the message for transmission comprises translating the message into a format associated with the second application: (Navarre discloses a gateway is configured to translate a transmitting message format into destination applicable format: abstract, lines 1-15; column 2, lines 1-20)

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 2-3, are rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran in view of Morin et al. (6, 584, 312)

Regarding to claims 2-3:

Chandrasekaran discloses the invention substantially as disclosed in claim 1, but does not explicitly teach the configuration of the message for transmission over the communication network comprises associating a transmission profile with the

However, Morin discloses a subscriber's profile is stored in a database. When subscriber enters request, the mobile services center compares and matches the subscriber entered request with subscriber's profile to identify the service, see (Morin: column 1, lines 52-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Morin's ideas of associating subscriber's request with

subscriber's profile with Chandrasekaran's system in order to identify service based on subscriber registered profile, see (Morin: column 1, lines 52-67)

4) Claims 4-5, 7, 9-11, 15 are rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin in view of Liu et al. (6, 804, 333)

Regarding to claims 4-5:

Chandrasekaran-Morin discloses the invention substantially as disclosed in claim 3, but does not explicitly disclose wherein the distributed computer program interface comprises a profile manager operative to examine at least one characteristic of the message to determine the transmission profile to be associated with the message

However, Liu discloses a manager manages the messages transmission based on communication profiles have one or more "service identifiers" which is equivalent to "characteristic of the message" and one or more interactive response agent identifier associated with the respective user, see (Liu: abstract, lines 3-10)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Liu's ideas of associating selected request from the user with user's profile with Chandrasekaran-Morin's system in order to identify service based on the user's profile, see (Liu: abstract, lines 3-10)

Regarding to claim 7:

Chandrasekaran-Morin-Liu discloses a method as discuss in 4, which further includes wherein the message characteristic is a record sequence indicator: (Chandrasekaran discloses sequence number is used to indicate the order of propagating messages: column 8, lines 56-67)

Regarding to claim 9:

Chandrasekaran-Morin-Liu discloses a method as discuss in claim 4, further includes wherein the message characteristic is a command character: (Liu discloses “service identifier selected by the user” which is equivalent to “command character”: abstract, lines 10-18)

Regarding to claim 10:

Chandrasekaran-Morin-Liu discloses a method as discuss in claim 4, which further includes wherein the communication network is a peer-to-peer network: (Chandrasekaran discloses the message is transmitting from the source site to the destination site, which represents characteristic of peer-to-peer network: column 9, lines 65-67)

Regarding to claim 11:

Chandrasekaran-Morin-Liu discloses a method as discuss in claim 4, which further includes wherein the communication network is a client-server network: (Chandrasekaran discloses communication between database server and database client: column 9, lines 58-65)

Regarding to claim 15:

Chandrasekaran-Morin-Liu discloses a method as discuss in claim 4, which further includes the message is a broadcast message: (Chandrasekaran discloses the message may be propagated from the source to a plurality of destinations: column 18, lines 37-42)

5) Claim 6 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Dutra et al. (U.S. 6,917,979)

Regarding to claim 6:

Chandrasekaran-Morin-Liu discloses a method as discuss in 4, which further includes wherein the message characteristic is a serial number

However, Dutra discloses “Msg ID” which is equivalent to “serial number”, see (Dutra: Figure 6, item 410)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dutra’s ideas of using Msg ID is used to indicate order of record message with Navarre –Morin-Liu’s system in order to identify the service level, see (Dutra: abstract, lines 10-12)

6) Claim 8 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Navarre et al. (6,205,482)

Regarding to claim 8:

Chandrasekaran-Morin-Liu the method of claim 4, but does not explicitly disclose wherein the message characteristic is an application data

However, Navarre discloses a method of identifying message type, content to determine routine for delivery message, see (Navarre: column 3, lines 13-15)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Navarre’s ideas of identifying message type, content with Chandrasekaran-Morin-Liu’s system in order to satisfy the requested transactions, see (Navarre: column 3, lines 5-15)

7) Claim 12 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Beck et al. (5, 903, 723)

Regarding to claim 12:

Chandrasekaran-Morin-Liu discloses the invention substantially as disclosed in claim 4, but does not explicitly teach wherein the communication network is a wide area client-server network

However, Beck discloses "WAN" which is equivalent to "Wide area client-server network" for communication between senders and recipients, see (Beck: column 1, lines 14-22)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Beck's ideas of using WAN for the communication between senders and recipients with Chandrasekaran-Morin-Liu's system in order to be able to delivery email messages all over the world, see (Beck: column 1, lines 14-22)

8) Claim 13 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Lakhani et al. (6,721,322)

Regarding to claim 13:

Chandrasekaran-Morin-Liu the method of claim 4, but does not explicitly disclose the message is a request reply message

However, Lakhani discloses Reply message, see (Lakhani: column 12, lines 10-11)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lakhani's ideas of using reply messages with Chandrasekaran-Morin-Liu's system in order to sending acknowledge receipts, see (Lakhani: column 12, lines 10-11)

9) Claim 14 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Ganesh et al. (6,493,726)

Regarding to claim 14:

Chandrasekaran-Morin-Liu the method of claim 4, but does not explicitly disclose the message is a send-and-forget message

However, Ganesh discloses Forget messages, see (Ganesh: abstract, lines 11-12)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ganesh's ideas of sending Forget messages with Chandrasekaran-Morin-Liu's system in order to perform a forget processing operation, see (Ganesh: abstract, lines 14-15)

10) Claim 16 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Dutra et al. (U.S. 6,917,979)

Regarding to claim 16:

Chandrasekaran discloses the invention substantially as disclosed in claim 15, but does not explicitly teach wherein the broadcast message is generated by a publishing service application and wherein the broadcast message is received by a subscribing network element

However, Dutra discloses a method of managing and tracking broadcast subscribers job delivery according to Service Level Agreements, what is a contract between service provider and subscribers, see (Dutra: abstract, lines 1-11)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dutra's ideas of managing and tracking broadcast subscribers job delivery according to Service Level Agreements with Chandrasekaran's system in order to guaranteed performance of provider's services to subscribers, see (Dutra: column 4, lines 64-67)

11) Claims 18-19, 26-27 are rejected under 35 U.S.C 103(a) as being un-patentable over Navarre in view of Morin et al. (6, 584, 312)

Regarding to claims 18-19:

Navarre discloses the invention substantially as disclosed in claim 17, but does not explicitly teach the step of configuring the message for transmission over the communication network comprises associating a transmission profile with the message

However, Morin discloses a subscriber profile is associated with each subscriber and the subscriber profile is stored in a database. When subscriber enters a request, the mobile services center compares and matches the subscriber entered request with subscriber's profile to identify the service, see (Morin: column 1, lines 52-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Morin's ideas of associating subscriber's request with subscriber's profile with Navarre's system in order to identify service based on subscriber register profile, see (Morin: column 1, lines 52-67)

Regarding to claims 27, which is exemplary with claim 26:

Navarre -Morin discloses a method as discuss in claim 18, which further includes wherein the transmission profile comprises a service identifier operative to associate the message with a message format to be used to transmit the message over the communication network: (Navarre discloses a method of mapping and transiting message format for communication between client application and server application: column 1, lines 20-35; column 3, lines 13-15)

12) Claims 20-21, 24-25 are rejected under 35 U.S.C 103(a) as being un-patentable over Navarre -Morin et al. in view of Liu et al. (6, 804, 333)

Regarding to claims 20-21:

Navarre -Morin discloses the invention substantially as disclosed in claim and 19, but does not explicitly disclose wherein the distributed computer program interface comprises a profile manager operative to examine at least one characteristic of the message to determine the transmission profile to be associated with the message

However, Liu discloses a manager manages the messages transmission based on communication profiles have one or more “service identifiers” which is equivalent to “characteristic of the message” and one or more interactive response agent identifier associated with the respective user, see (Liu: abstract, lines 3-10)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Liu’s ideas of associating selected request from the user with user profile with Navarre -Morin’s system in order to identify service based on the user profile, see (Morin: column 1, lines 52-67)

Regarding to claim 24:

Navarre –Morin-Liu discloses a method as discuss in claim 20, which further includes wherein the message characteristic is an application data: (Navarre discloses a method of “identifying message type, content” which is equivalent to “determining characteristics of application data” to determine routine for delivery message: column 3, lines 13-15)

Regarding to claim 25:

Navarre -Morin-Liu further discloses a method as discuss in claim 20, which is further includes wherein the message characteristic is a command character: (Liu discloses “service identifier selected by the user” which is equivalent to “command character”: abstract, lines 10-18)

Art Unit: 2143

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Liu's ideas of associating selected request from the user with user profile with Navarre -Morin's system in order to identify service based on the user profile, see (Morin: column 1, lines 52-67)

13) Claims 22-23 are rejected under 35 U.S.C 103(a) as being un-patentable over Navarre –Morin-Liu in view of Dutra et al. (U.S. 6,917,979)

Regarding to claims 22-23:

Navarre –Morin-Liu the invention substantially as disclosed in claim 20, but does not explicitly disclose the message characteristic is a record sequence indicator:

However, Dutra discloses “Msg ID” which is equivalent to “sequence indicator”, see (Dutra: Figure 6, item 410)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dutra's ideas of using Msg ID is used to indicate order of record message with Navarre –Morin-Liu's system in order to identify the service level, see (Dutra: abstract, lines 10-12)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.


Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong
Examiner
Art Unit 2143

Ldt
11/25/2005



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